MONTANA LEGISLATIVE HISTORY

Chapter 253 19 79

Bill H _____ S 340 Original bill & history ✓ C

H. Committee on Local Gov't.		S. Committee on Local Gov't.	
Hearing Date(s) _____	C	Hearing Date(s) _____	C
3/6	✓ C	2/7	✓ C
_____	C	2/10	✓ C
_____	C	_____	C
Date Out 3/6	✓ C	Out 2/10	✓

Did this bill originate in an interim committee? ___Yes ___No

Committee _____ Report _____

CHAPTER NO. 253

SENATE BILL NO. 340

INTRODUCED BY THOMAS

BY REQUEST OF THE CODE COMMISSIONER

IN THE SENATE

February 2, 1979	Introduced and referred to Committee on Local Government.
February 13, 1979	Committee recommend bill do pass as amended. Report adopted.
February 14, 1979	Printed and placed on members' desks.
February 15, 1979	Second reading, do pass.
February 17, 1979	Considered correctly engrossed.
February 19, 1979	Third reading, passed. Transmitted to second house.

IN THE HOUSE

February 20, 1979	Introduced and referred to Committee on Local Government.
March 6, 1979	Committee recommend bill be concurred in. Report adopted.
March 8, 1979	Second reading, concurred in.
March 12, 1979	Third reading, concurred in.

IN THE SENATE

March 13, 1979	Returned from second house. Concurred in. Sent to enrolling.
	Reported correctly enrolled.

Senate BILL NO. 340

INTRODUCED BY Thomas

BY REQUEST OF THE CODE COMMISSIONER

A BILL FOR AN ACT ENTITLED: "AN ACT TO GENERALLY REVISE AND CLARIFY THE LOCAL GOVERNMENT LAWS RELATING TO TRANSPORTATION; TO HOUSING AND CONSTRUCTION; AND TO CULTURE, SOCIAL SERVICES, AND RECREATION."

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:

Section 1. Section 7-14-2307, MCA, is amended to read:

"7-14-2307. Payment of claims upon presentation of superintendent's certificate. Upon the presentation of any certificate issued by the superintendent and verification of it by the holder as in other cases of claims against the county, the board of county commissioners shall ~~cause to be issued~~ have a warrant issued for the amount of the certificate, drawn on the ~~treasurer~~ treasury against the county road fund."

Section 2. Section 7-14-2308, MCA, is amended to read:

"7-14-2308. Superintendent's report. At least once each year and more often if required by the board of county commissioners, the superintendent shall file a report with the board detailing the activities and expenditures of his office and containing any other information the board requires. At the first monthly or quarterly meeting held after filing of ~~the~~ a superintendent's report, the board of county commissioners shall examine it."

Section 3. Section 7-14-2511, MCA, is amended to read:

"7-14-2511. Creation of county motor vehicle fund. ~~All license and registration fees~~ When collected by the treasurer of the county in which ~~any~~ a motor vehicle is registered, all license and registration fees for which there is no specific provision as to disposition of the fee shall be credited to the county motor vehicle fund."

Section 4. Section 7-14-2702, MCA, is amended to read:

"7-14-2702. Petition for opening or improving road. (1) A petition for laying out, opening, constructing, or improving a county road may be presented to the board by the owners of two-thirds of the lineal feet of land fronting on the proposed or existing road or by two-thirds of the residents of the proposed district. If any such land ~~stands~~ is in the name of a deceased person or ~~any~~ a person for whom a guardian has been appointed, the signature of the executor, administrator, or guardian ~~shall be~~ is equivalent to the signature of the owner.

(2) The petition must set forth:

(a) that the petitioners are ~~such owners~~ qualified to sign the petition and that they desire the petitioned action;

(b) the kind and nature of the improvement desired;

(c) the mode of payment of the assessments to be levied for defraying the cost thereof, whether immediate payment or by payment in installments;

(d) the portion of the costs which the district, if formed, will assume and pay."

Section 5. Section 7-14-2705, MCA, is amended to read:

"7-14-2705. Meeting between county road superintendent, ~~and~~ residents, and owners of land. (1) After receipt of the petition and passage of the resolution, the board shall make an order fixing a time and place in the vicinity of the road for a meeting between the county road superintendent or his deputy, ~~and the petitioners and~~ all owners upon whose lands special assessments will be levied, and all residents within the proposed district.

(2) ~~The petitioners and all~~ All owners of land fronting on the road or land within 2 miles on either side of it upon which special assessments will be levied and all residents within the proposed district may meet with the superintendent or his duly appointed deputy."

Section 6. Section 7-14-2707, MCA, is amended to read:

"7-14-2707. Meeting procedure -- election of committee of supervisors. (1) The superintendent or his deputy, or in their absence one of the landowners or residents present, shall preside. Those present shall elect three as a committee of supervisors; at least one of them shall be a petitioner.

(2) A majority of the owners and residents present and voting shall be sufficient for election. The presiding officer shall certify to the board the names of the owners elected to the committee.

(3) Those elected shall qualify immediately by taking an oath that they are owners of land benefited by the improvements and to be included within the local ~~assessment~~ improvement district or residents within the proposed district. They shall take an oath that they will fully, impartially, and faithfully perform their duties as supervisors. The superintendent or his deputy may administer the oath, or it may be administered by anyone so authorized by law."

Section 7. Section 7-14-2711, MCA, is amended to read:

"7-14-2711. Division of local improvement district into parts. (1) The boundaries of ~~each local~~ assessment ~~district shall be fixed~~ districts within a local improvement district are as follows:

(a) The lands extending from the center of the road one-half mile on each side thereof (measuring 1 mile in width) ~~shall~~ constitute Part One of the district.

(b) The lands embraced within an area 1 mile wide on each side of Part One ~~shall~~ constitute Part Two of the

district.

(c) The lands embraced within an area 1 mile wide on either side of Part Two ~~shall~~ constitute Part Three of the district.

(2) Each of the parts ~~shall extend~~ extends the full length of the proposed road and 1 mile beyond the terminus unless the committee ~~shall~~ otherwise ~~provide~~ provides."

Section 8. Section 7-14-2821, MCA, is amended to read:

"7-14-2821. Permission to operate ferry between counties. (1) When authority to erect and keep a ferry over waters dividing two counties is desired, application must be made to the board of commissioners of ~~that~~ the county situated on the left bank descending ~~such~~ the river, creek, or slough.

(2) The board may not grant authority to erect a toll ferry until the notice of the intended application ~~has been~~ is given as required in 7-14-2822.

(3) After notice is given, an application must be made in writing, under oath, to the board of the proper county. ~~The landings of the proposed ferry must be described and the names of the owners thereof given, if known, and if the applicant is not the owner of the land, that notice of the application has been served on the owner thereof at least 10 days prior to the application.~~ The applications must contain a description of the proposed ferry landings; the names of

the owners, if known, of the proposed landings; and a statement that notice of the application has been served at least 10 days prior to the date of application on those landowners who are not parties to the application."

Section 9. Section 7-14-2824, MCA, is amended to read:

"7-14-2824. Preference for landowner. The owner of the land on either bank of the waters to be crossed, and with the owner of the land on the left bank descending, given preference over the owner of the land on the right bank, is entitled to preference in procuring authority to construct a ferry. ~~Where such owner fails or neglects to~~ Whenever the owners of the banks do not apply for such authority within a reasonable time after the necessity therefor arises, the board of commissioners may grant such authority to another."

Section 10. Section 7-14-4109, MCA, is amended to read:

"7-14-4109. Power to order certain improvements without creation of special improvement district. (1) Without the formation of a special improvement district, the city council may order sidewalks, curbs, and or gutters ~~or any combination thereof~~ constructed in front of any lot or parcel of land and may order alley approaches constructed or replaced adjacent to any lot or parcel of land.

(2) Whenever the council ~~shall order~~ orders any such sidewalk, curb, and or gutter ~~or any combination thereof~~

SB 340

constructed or any such alley approach constructed or replaced, ~~such~~ the order shall be entered upon the minutes of the council and shall name the street along which ~~said~~ the sidewalk, curb, ~~and~~ or gutter ~~or any combination thereof~~ is to be constructed or along which ~~said~~ the alley approach is to be constructed or replaced.

(3) After the making of such order, written notice thereof shall be given the owner or agent of the owner of such property or the owners or agents of all adjacent owners having access to their properties by ~~said~~ the alley approach, as appropriate, in such manner as the council may direct.

(4) If the owner or agent of the owner of such lot or parcel of land or if the owners or agents of all adjacent owners having access to their property by ~~said~~ the alley approach ~~shall~~ fail or neglect for a period of 30 days after the date of service of ~~such~~ the notice to cause such sidewalk, curb, ~~and~~ or gutter ~~or any combination thereof~~ to be constructed or to cause such alley approaches to be constructed or replaced, the city may construct or cause ~~such~~ the sidewalk, curb, ~~and~~ or gutter ~~or any combination thereof~~ to be constructed or may construct or cause ~~such~~ the alley approach to be constructed and shall assess the cost thereof, including engineering costs and the costs enumerated in 7-12-4121 and 7-12-4169, against the property

in front of which the same is constructed or against the lots or parcels of land having access ~~to said property~~ via the ~~said~~ the constructed alley approaches. The collection of the assessed costs shall be as provided in 7-12-4181 through 7-12-4191.

(5) (a) When any ~~such~~ sidewalk, curb, ~~and~~ or gutter ~~or any combination thereof~~ or alley approach is constructed by or under direction of the city council, payment for the construction ~~thereof~~ shall be made by special warrants in such form as may be prescribed by ordinance and drawn against a fund to be known as the special sidewalk, curb, and gutter fund or the special alley approach fund, as appropriate, and the council may provide for the payment of ~~said~~ interest annually.

(b) The warrants drawn on the special alley approach fund shall bear interest at ~~the~~ a rate of up to 6% a year."

Section 11. Section 7-14-4302, MCA, is amended to read:

"7-14-4302. Regulation of lighting for railway right-of-way -- crossings. (1) The city or town council ~~has power to~~ may require the lighting of any railroad track or route within a city or town, the cars of which are propelled by ~~steam~~ steam or otherwise, and fix and determine the number, style, and size of lampposts, burners, lamps, and all other fixtures and apparatus necessary for such lighting

and the points of location of the lampposts.

(2) The city or town council ~~has power to~~ may:

(a) require the construction of crossings on the line of any railroad track or route within the city or town, the cars of which are propelled by ~~steem~~ steam or otherwise, where the track intersects or crosses any street, alley, or public highway or runs along the same; and

(b) fix and determine the size, ~~and~~ kind, and grade of ~~such~~ the crossing ~~and the grades thereof~~.

(3) In case the owner of such railroad fails to comply with ~~such~~ the requirements, the council may cause the same to be done. The council may assess the expense thereof against ~~such~~ the owner, and the ~~same~~ expense constitutes a lien on any property belonging to ~~such~~ the owner within ~~such~~ the city or town and may be collected as other taxes."

Section 12. Section 7-14-4404, MCA, is amended to read:

"7-14-4404. Tax levy for contracts to operate bus service. For the purpose of raising the necessary money to defray the cost of the transportation service authorized by 7-14-4401(2) pursuant to such contract ~~or contracts~~, lease, or lease and operating agreement with such independent carrier or carriers, the city or town council ~~shall have~~ power to may annually levy a tax on the taxable value of all taxable property within the limits of ~~such~~ the city or town.

Whenever the council of ~~such~~ the city or town ~~shall deem~~ considers it necessary to raise money by taxation for such purpose in excess of the levy now allowed by law, the council of ~~such~~ the city or town shall in the manner prescribed by law submit the question of such additional levy to the ~~legal voters~~ qualified electors of ~~such~~ the city or town ~~who are taxpaying freeholders therein~~, either at the regular annual election held in ~~said~~ the city or town or at a special election called for that purpose by the council of ~~such~~ the city or town. ~~Such~~ The additional levy in excess of the levy now allowed by law ~~shall~~ may not exceed 1 1/2 mills."

Section 13. Section 7-14-4711, MCA, is amended to read:

"7-14-4711. Authorization for improvement districts for pedestrian malls, offstreet parking, ~~parkings~~, and parkways. (1) An improvement district may be formed for the sole purpose of operating, maintaining, repairing, and improving pedestrian malls, offstreet parking facilities, and ~~parkings and~~ parkways.

(2) Subject to the powers granted and the limitations contained in this part, the powers and duties of the municipality and the procedure to be followed are as provided in parts 41 through 44 of chapter 12 for other types of special improvement districts."

SB 340

Section 14. Section 7-14-4716, MCA, is amended to read:

"7-14-4716. Procedure to issue bonds. (1) When the governing body determines that improvement bonds are to be issued, it shall so declare in the resolution of intention for the work and shall specify the rate of interest which ~~they shall~~ the bonds will bear. A ~~like~~ description of the bonds, including the manner of repayment, shall be inserted in all notices of the proceedings required to be published or posted, ~~and a notice that the bonds will be paid from a special fund collected, in not to exceed 25 annual installments, from the assessments of $25 or over remaining unpaid 30 days after the date of the warrant or 5 days after the decision of the governing body upon an objection.~~ A like description of the bonds shall be included in the warrant.

(2) All other proceedings for the work up to and including the approval of the assessment by the governing body and including delivery of the assessment to the contractor, demand of payment of the several assessments, and the return and record thereof shall be in all respects as provided in this part and parts 41 and 42 of chapter 12."

Section 15. Section 7-14-4734, MCA, is amended to read:

"7-14-4734. Expense estimate -- assessments and tax levy. (1) The governing body shall:

(a) make annual statements and estimates of the expenses of the district which shall be provided for by the levy and collection of ad valorem taxes upon the assessed value of all the real and personal property in the district;

(b) publish notice thereof; and

(c) have hearings thereon and adopt an ordinance thereon at the times and in the manner provided for incorporated cities and towns by the applicable portions of 7-12-4175.

(2) The governing body, on or before the second Monday in August of each year, shall fix, levy, and assess the amount to be raised by ad valorem taxes upon all of the property of the district. All statutes providing for the levy and collection of state and county taxes, including the collection of delinquent taxes and sale of property for nonpayment of taxes, are applicable to the district taxes provided for under this section.

(3) No assessment for district purposes against the property within such district ~~shall~~ may exceed 12 mills upon each dollar of taxable valuation thereof in any tax year."

Section 16. Section 7-15-2114, MCA, is amended to read:

"7-15-2114. Certain laws controlling. Insofar as the provisions of ~~Chapter 153, Laws of 1941,~~ this part are inconsistent with the provisions of any other laws, the

provisions of ~~Chapter 153, Laws of 1941, shall be~~ this part are controlling."

Section 17. Section 7-15-4207, MCA, is amended to read:

"7-15-4207. Prohibition against discrimination. For all of the purposes of this part and part 43, no person may be subjected to discrimination because of sex, race, ~~religion~~, creed, religion, age, physical or mental handicap, color, or national origin."

Section 18. Section 7-15-4238, MCA, is amended to read:

"7-15-4238. Employment of necessary staff. The urban renewal agency or department or officers exercising urban renewal project powers shall be ~~staffed~~ supplied with the necessary technical experts and such other agents and employees, permanent and temporary, as ~~it may require~~ are required."

Section 19. Section 7-15-4302, MCA, is amended to read:

"7-15-4302. Authorization to issue general obligation bonds. (1) For the purpose of 7-15-4267 or for the purpose of aiding in the planning, undertaking, or carrying out of an urban renewal project of a municipality, ~~such~~ the municipality, in addition to any authority to issue bonds pursuant to 7-15-4301, may issue and sell its general

LC 0622/01

obligation bonds.

(2) Any bonds issued pursuant to this section shall be issued in the manner and within the limitations prescribed by the laws of this state for the issuance and authorization of bonds by such municipality for public purposes generally.

(3) Aiding in the planning, undertaking, or carrying out of an approved urban renewal project ~~shall be deemed~~ is considered a single purpose for the issuance of general obligation bonds, and the proceeds of ~~such~~ the bonds authorized for any such project may be used to finance the exercise of any and all powers conferred upon the municipality by this part and part 42 which are necessary or proper to complete ~~such~~ the project in accordance with the approved plan and any modification thereof duly adopted by the local governing body.

~~(4) Sections 7-7-4221(3) and 7-7-4223 through 7-7-4225 shall not be applicable to the issuance of such bonds.~~"

Section 20. Section 7-15-4322, MCA, is amended to read:

"7-15-4322. Details relating to urban renewal bonds. (1) Bonds issued under 7-15-4301 may be issued in one or more series and shall bear such date or dates, be payable upon demand or mature at such time or times, bear interest at such rate or rates not exceeding 9% a year, be in such denomination or denominations, be in such form (either

SB 340

coupon or registered), carry such conversion or registration privileges, have such rank or priority, be executed in such manner, be payable in such medium of payment at such place or places, be subject to such terms of redemption (with or without premium), be secured in such manner, and have such other characteristics as may be provided by the resolution, ordinance, or trust indenture or mortgage authorized pursuant thereto.

(2) (a) ~~Except as provided in subsection (2)(b), such~~ The bonds may be sold at not less than 98% of par at public or private sale or may be exchanged for other bonds on the basis of par.

(b) ~~Such~~ The bonds may be sold to the federal government at private sale at not less than par, and ~~in the event~~ if less than all of the authorized principal amount of ~~such~~ the bonds is sold to the federal government, the balance may be sold at public or private sale at not less than 98% of par at an interest cost to the municipality of not to exceed the interest cost to the municipality of the portion of the bonds sold to the federal government."

Section 21. Section 7-15-4402, MCA, is amended to read:

"7-15-4402. Definitions. ~~The following terms, wherever used or referred to~~ As used in this part or part 45, ~~shall have the following respective meanings~~ unless ~~a different~~

~~meaning clearly appears from~~ the context clearly indicates otherwise, the following definitions apply:

(1) "Authority" or "housing authority" ~~shall mean~~ means a public body and a body corporate and politic organized in accordance with the provisions of this part for the purposes, with the powers, and subject to the restrictions hereinafter set forth.

(2) "Bonds" ~~shall mean~~ means any bonds, interim certificates, notes, debentures, or other obligations of the authority issued pursuant to this part or part 45.

(3) "City" ~~shall mean~~ means any city which is or is about to be included in the territorial boundaries of an authority ~~when created hereunder~~.

(4) "City clerk" and "mayor" ~~shall~~ mean the clerk and mayor, respectively, of the city or the officers thereof charged with the duties customarily imposed on the clerk and mayor ~~respectively~~.

(5) "Commissioner" ~~shall mean~~ means one of the member of an authority appointed in accordance with the provisions of this part.

(6) "Community facilities" ~~shall include~~ means real and personal property and buildings and equipment for recreational or social assemblies and for educational, health, or welfare purposes and necessary utilities, when designed primarily for the benefit and use of the housing

authority and/or the occupants of the dwelling accommodations.

(7) "Contract" ~~shall mean~~ means any agreement of an authority with or for the benefit of an obligee, whether contained in a resolution, trust indenture, mortgage, lease, bond, or other instrument.

(8) "Council" ~~shall mean~~ means the legislative body, council, board of commissioners, board of trustees, or other body charged with governing ~~the~~ a city.

(9) "Elderly families" ~~shall mean~~ means families the head of which (or his spouse) is 60 years of age or over and who otherwise qualify as persons of low income within the meaning of the definition set forth in subsection (16).

(10) "Federal government" ~~shall include~~ means the United States ~~of America, the federal emergency administration of public works,~~ or any agency or instrumentality, corporate or otherwise, of the United States ~~of America~~.

(11) "Government" ~~shall include~~ means the state and federal governments and any subdivision, agency, or instrumentality, corporate or otherwise, of either ~~of them~~.

(12) (a) "Housing project" ~~shall include~~ means all real and personal property, buildings and improvements, stores, offices, lands for farming and gardening, and community facilities acquired or constructed or to be acquired or

constructed pursuant to a single plan or undertaking:

(i) to demolish, clear, remove, alter, or repair unsanitary or unsafe housing; and/or

(ii) to provide safe and sanitary dwelling accommodations for persons of low income.

(b) The term "housing project" may also be applied to the planning of the buildings and improvements; the acquisition of property; the demolition of existing structures; the construction, reconstruction, alteration, and repair of the improvements; and all other work in connection therewith.

(13) "Mortgage" ~~shall include~~ means deeds of trust, mortgages, building and loan contracts, or other instruments conveying real or personal property as security for bonds and conferring a right to foreclose and cause a sale thereof.

(14) "Municipality" ~~shall mean~~ means any city, town, or incorporated village which is located within the territorial boundaries of an authority.

(15) "Obligee of the authority" or "obligee" ~~shall include~~ means any bondholder, trustee ~~or trustees~~ for any bondholder, any lessor demising property to the authority used in connection with a housing project or any assignee or assignees of such lessor's interest or any part thereof, and the United States ~~of America~~ when it is a party to any

SB 340

contract with the authority.

(16) "Persons of low income" ~~shall mean~~ means persons or families who lack the amount of income which is necessary (as determined by the authority undertaking the housing project) to enable them, without financial assistance, to live in decent, safe, and sanitary dwellings without overcrowding.

(17) "Real property" ~~shall include~~ means lands, lands under water, structures, and any and all easements, franchises, and incorporeal hereditaments and every estate and right therein, legal and equitable, including terms for years and liens by way of judgment, mortgage, or otherwise.

(18) "State" ~~shall mean~~ means the state of Montana.

(19) "Trust indenture" ~~shall include~~ means instruments pledging the revenues of real or personal properties but not conveying such properties or conferring a right to foreclose and cause a sale thereof."

Section 22. Section 7-15-4417, MCA, is amended to read:

"7-15-4417. Initial funding of housing authority. Immediately after the incorporation of ~~the~~ a housing authority, the council or other governing body of ~~the~~ a first- or second-class city included within the territorial boundaries of ~~such~~ the authority:

(1) shall make an estimate of the amount of money

necessary for the administrative expenses and overhead of the housing authority during the first year following the incorporation of ~~such~~ the housing authority;

(2) shall appropriate such amount to the authority out of any money in the city treasury not appropriated to some other purpose; and

(3) shall cause the money so appropriated to be paid the authority as a donation."

Section 23. Section 7-15-4418, MCA, is amended to read:

"7-15-4418. Interim funding of housing authority. In addition to the power granted in 7-15-4417, ~~the city and~~ any municipality located in whole or in part within the boundaries of a housing authority ~~shall have the power~~ may, annually and from time to time, ~~to~~ make donations or advances to the authority of such sums as the ~~city or~~ municipality in its discretion may determine."

Section 24. Section 7-15-4419, MCA, is amended t read:

"7-15-4419. Authority to reimburse municipality for loans. The authority, when it has money available therefor, shall reimburse ~~the city or~~ a municipality for all advances made to it by way of loan."

Section 25. Section 7-15-4528, MCA, is amended to read:

"7-15-4528. Use of bond trustee. In connection with the issuance of bonds and/or the incurring of any obligation under a lease and in order to secure the payment of ~~such~~ the bonds and/or obligations, the authority ~~shall have power to~~ may:

(1) vest in a trustee ~~or trustees~~ the right to enforce any covenant made to secure ~~to pay or in relation to the bonds~~ the payment of the bonds and/or obligations;

(2) to provide for the powers and duties of ~~such~~ the trustee ~~or trustees, to~~ and limit his liabilities; ~~thereof~~ and

(3) to provide the terms and conditions upon which the trustee ~~or trustees~~ or a designated proportion of the holders of bonds ~~or any proportion of them~~ may enforce any ~~such~~ covenant."

Section 26. Section 7-16-2324, MCA, is amended to read:

"7-16-2324. Sale, lease, or exchange of dedicated park lands. (1) For the purposes of this section and part 25 of chapter 8, lands dedicated to the public use for park or playground purposes under 76-3-606 and 76-3-607 or a similar statute or pursuant to any instrument not specifically conveying land to be a governmental unit other than a county are ~~deemed to be~~ considered county lands.

(2) A county may not sell, lease, or exchange lands

dedicated for park or playground purposes except as provided under this section and part 25 of chapter 8.

(3) Prior to selling, leasing, or exchanging any county land dedicated to public use for park or playground purposes, a county shall:

(a) compile an inventory of all public parks and playgrounds within the county;

(b) prepare a comprehensive plan for the provision of outdoor recreation and open space within the county;

(c) determine that the proposed sale, lease, or exchange furthers or is consistent with the county's outdoor recreation and open space comprehensive plan;

(d) publish notice of intention to sell, lease, or dispose of such lands, giving the people of the county opportunity to be heard regarding such action;

(e) if the land is within an incorporated city or town, secure the approval of the governing body thereof for the action; and

(f) comply with any other applicable requirements under part 25 of chapter 8.

(4) Any revenue realized by a county from the sale, exchange, or disposal of lands dedicated to public use for park or playground purposes shall be paid into the park fund and used in the manner prescribed in 76-3-606 and 76-3-607 for cash received in lieu of dedication."

SB 340

Section 27. Section 7-16-2326, MCA, is amended to read:

"7-16-2326. Discrimination in employment prohibited. No contract of employment may be entered into except in compliance with ~~the Equal Opportunity Act of 1966 and executive order of 1966~~ Federal and state statutes, orders, and rules providing that there may be no discrimination in ~~the employment of persons because of race, religion, creed, color, or national origin.~~"

Section 28. Section 7-16-2331, MCA, is amended to read:

"7-16-2331. Disbursement of money. All money paid out by the park commissioners under the provisions of this part shall be by warrant drawn upon the county ~~treasurer~~ treasury, which may be signed by the secretary and countersigned by the president or, in his absence, by the vice-president of the board of park commissioners. Upon approval by a majority of the members of the board of park commissioners at a regular meeting of the board at which a quorum is in attendance and voting and with due notice and report being made to the board of county commissioners, payments so authorized may be made by warrant drawn upon the county ~~treasurer~~ treasury, signed by the chairman of the board of county commissioners and countersigned by the county clerk and recorder."

Section 29. Section 7-16-4104, MCA, is amended to read:

"7-16-4104. Authorization for municipal indebtedness for various cultural, social, and recreational purposes. (1) A city or town council or commission, ~~in addition to the power it now has under the law, has and is hereby granted and given the further power to~~ may contract an indebtedness on behalf of a the city or town, upon the credit thereof, by borrowing money or issuing bonds:

(a) for the purpose of purchasing and improving lands for public parks and grounds; ~~and/or~~

(b) for procuring by purchase, construction, or otherwise swimming pools, athletic fields, skating rinks, playgrounds, museums, a golf course, a site and building for a civic center, a youth center, or combination thereof; and

(c) for furnishing and equipping the same.

(2) The total amount of indebtedness authorized to be contracted in any form, including the then-existing indebtedness, ~~must~~ may not at any time exceed 3% of the value of the taxable property of the city or town as ascertained by the last assessment for state and county taxes previous to the incurring of such indebtedness. No money ~~must~~ may be borrowed on bonds issued for the purchase of lands and improving the same for any such purpose until the proposition has been submitted to the vote of those the

qualified ~~under-the-provisions-of-the-state-constitution--to vote--at--such--election--in~~ electors of the city or town ~~affected-thereby~~ and a majority vote is cast in favor thereof.

~~(3)--Nothing--in--this-section-shall-be-so-construed-as to-repeal-or-annul-[former-11-901-through-11-908-or-any-part or-portion-thereof].~~"

Section 30. Section 7-16-4107, MCA, is amended to read:

"7-16-4107. Use of park funds for public recreation. (1) Any city or town, including any board of park commissioners, may expend funds from the band fund and the park fund of ~~said~~ the city or town ~~[and-any-school--district or--board-thereof-may-cooperate~~ for the purpose of operating a program of public recreation and playgrounds] and for this purpose may acquire, equip, and maintain land, buildings, and/~~or~~ other recreation facilities.

(2) Any school district may cooperate in such program."

Section 31. Section 7-16-4111, MCA, is amended to read:

"7-16-4111. Financing of public baths. To defray the cost and expense of maintaining the public bathing place authorized by 7-16-4110, ~~said~~ a city or town ~~is-hereby authorized-and-empowered-to~~ may contract an indebtedness

LC 0622/01

upon behalf of ~~said~~ the city or town and upon the credit thereof by borrowing money or issuing bonds. No money may be borrowed and no bonds may be issued ~~for-said--purpose~~ until the proposition has been submitted to the vote of the ~~taxpayers-affected-thereby~~ qualified electors of the city or town and a majority vote be is cast therefor."

Section 32. Section 7-16-4203, MCA, is amended to read:

"7-16-4203. Qualifications of park commissioners. The six persons to be so appointed shall have the same qualifications for the office of park commissioner as are required by 7-4-4301 for the office of mayor--~~or--city manager~~."

Section 33. Section 7-16-4228, MCA, is amended to read:

"7-16-4228. Disbursement of money. All money paid out by the park commissioners under the provisions of this part shall be by warrant drawn upon the city ~~treasurer~~ treasury, which shall be signed by the city clerk and countersigned by the president or, in his absence, by the vice-president of the board of park commissioners."

-End-

SB 340

...E MEMBERS
...LL GRAHAM
...MAN
...HAZELBAKER
...CHAIRMAN
...BLAYLOCK
...GOODOVER
...B. DOWLING
...UTIVE DIRECTOR
...COMMISSIONER
...NOR ECK
...INISTRATIVE ASSISTANT
...TA MOODY
...CTOR, LEGISLATIVE SERVICES

Montana Legislative Council
State Capitol
Helena, 59601
(406) 449-3064

HOUSE MEMBERS
JOHN B. DRISCOLL
OSCAR KVAALEN
J.D. LYNCH
ROBERT L. MARKS
H. DAVID COGLEY
DIRECTOR, LEGAL SERVICES
ROBERT PERSON
DIRECTOR, RESEARCH

LC 0622

1979 Legislature
Code Commissioner Bill - Summary

House Bill No. 340

AN ACT TO GENERALLY REVISE AND CLARIFY THE LOCAL GOVERNMENT LAWS RELATING TO TRANSPORTATION, TO HOUSING AND CONSTRUCTION, AND TO CULTURE, SOCIAL SERVICES, AND RECREATION.

(This summary does not include discussion of routine form or grammatical changes.)

Section 1. 7-14-2307. "Treasurer" is changed to "treasury" because warrants are drawn on the treasury not the treasurer.

Section 2. 7-14-2308. The existing language refers to the superintendent's report. However, there is no language which requires such a report to be made. To remedy this situation additional language is proposed.

Section 3. 7-14-2511. This section is rewritten to reflect the fact that certain fees collected by the county treasurer are paid to the state and do not get placed in the county motor vehicle fund, see 61-10-225 for example.

Sections 4, 5, and 6. 7-14-2702, 7-14-2705, and 7-14-2707. These sections are rewritten to permit residents of a proposed local improvement district to play a role in the creation and operation of the district in addition to the landowners of the district. Especially in view of 7-14-2703 and 7-14-2733, which permit general county funds to be used for district purposes, and in view of the holdings of the United States Supreme Court, and the Montana Supreme Court, there are constitutional problems in not permitting the residents now owning land to have a say in the creation and operation of the district. For a discussion of these cases, see 35L. Ed2d 843 (1974) and Sadler v Connelly, 575 P2d 51 (1978). In 7-4-2707(3), "assessment" is changed to "improvement" to correct improper terminology (see discussion section 7).

Section 7. 7-4-2711. The introductory clause in sub-section (1) is rewritten for clarity. Prior to this section, because of the proposed amendment to 7-4-2707, there is no reference to assessment districts, which are really portions of the improvement district. Hence, the language was modified for clarity.

Section 8. 7-14-2821. The last portion of subsection (2) is rewritten for clarity.

Section 9. 7-14-2824. This section is rewritten for clarity.

Section 10. 7-14-4109. This section is rewritten for clarity. In subsection (4), a method for collecting assessments is provided. Because of the separation of this material from the general special improvement law found in Title 7, chapter 12 as a result of recodification, this language needs to be added to the section.

Section 11. 7-14-4302. This section is rewritten for clarity. In subsections (1) and (2)(a), "stream" is changed to "steam" to correct what appears to be a typographical error.

Section 12. 7-14-4404. The requirement that voters in certain elections be taxpaying freeholders is deleted. The "taxpaying freeholder" requirement appears to be unconstitutional under the holdings of the United States Supreme Court (see discussion 35 L. Ed. 2d 843 (1974)).

Section 13. 7-14-4711. In subsection (1), the word "parking" is deleted. It is archaic language and does not seem to have any meaning.

Section 14. 7-14-4716. The last sentence in subsection (1) is rewritten to eliminate the language which details the manner of repayment of bonds. In part this is redundant with 7-14-4720 et seq, and the reference to objections is nowhere mentioned in this part. The more general language added to replace the deleted language will accomplish the same purpose with less redundancy.

Section 15. 7-14-4734. In subsection (1)(c), "an ordinance thereon" is added to correct an obvious omission. The ordinance language is used inasmuch as the referenced section, 7-12-4175, relates to passage of an ordinance.

Section 16. 7-15-2114. References to "Chapter 153, Laws of 1941" are changed to "this part". Under recodification, 7-15-2115 was placed in this part, but was not enacted by chapter 153, Laws of 1941. The intent of 7-15-2114 would seem to indicate that inclusion of 7-15-2114 by changing the session law reference to this part is acceptable, and the change provides a more suitable reference for the user of the codes.

Section 17. 7-15-4207. In the list of factors to be considered with respect to discrimination, "sex", "age", and "physical or mental handicaps" are added. This will bring the section into agreement with 49-2-305, which is located in the title on human rights.

Section 18. 7-15-4238. This section is rewritten for clarity to remove a logical difficulty. As written, "officers" would be "staffed with" assistants; officers need to be supplied with help; one staffs the office, not the officer. The term "supplied" is appropriate for use with both subjects.

Section 19. 7-15-4302. Subsection (4) is deleted. The reference is no longer required. Previously a petition was required under the general law to submit a general obligation bond issue to the people. In 1973, amendments to the general bond law (Title 7, chapter 7, part 42) permitted the governing body to initiate action, hence there is no longer a need for the exception provided by subsection (4).

Section 20. 7-15-4322. In subsection (2)(a), the introductory phrase is deleted. This language was added during recodification. Upon further analysis, it became apparent that the phrase was not needed. Because the material had gone to press, the deletion could not be made by the printer and instead is made here by amendment.

Section 21. 7-15-4402. This section is rewritten for clarity and to employ uniform terminology for definitional sections. In subsection (10), a reference to a federal agency which no longer exists is deleted.

Section 22. 7-15-4417. In the introductory clause "the" and "a" are interchanged for clarity.

Section 23 and 24. 7-15-4418 and 7-15-4419. The phrase "the city" is deleted for clarity. There may be more than one city (or one first-class city) located within the boundaries of the housing authority. Moreover, as used in these sections, the language is redundant.

Section 25. 7-15-4528. This section is rewritten for clarity.

Section 26. 7-16-2324. In subsection (1), "be" is deleted to correct what appears to be improper terminology. The phrase makes little sense with "be" contained.

Section 27. 7-16-2326. This section is rewritten for clarity. The reference to specific federal acts and orders appears to be incorrect and was deleted, being replaced by a general reference. The specific factors at the end of the section were deleted and are covered by the reference to federal and state laws, orders, and rules which has been added. In particular 49-2-303 contains the factors listed in this section plus additional factors with respect to employment discrimination.

Section 28. 7-16-2331. "Treasurer" is changed to "treas in two places. Warrants are drawn on the treasury, not the treasurer.

Section 29. 7-16-4104. This section is rewritten for clarity. Redundant language in subsections (1) and (2) is deleted. Subsection (3) is deleted as redundant. The reference in subsection (3) would be virtually impossible to replace with an MCA reference because of the extensive reorganization of Title 7.

Section 30. 7-16-4107. This section is rewritten for clarity and for consistency with a suggested amendment to the school laws where this language is also codified.

Section 31. 7-16-4111. This section is rewritten for clarity. The requirement that voters in certain elections be taxpayers is deleted. The "taxpayer" requirement appears to be unconstitutional in view of the holdings of the United States Supreme Court (see discussion in 35 L. Ed.2d 843 (1974)).

Section 32. 7-16-4203. A reference to "city manager" is deleted. Section 7-4-4301, which is referred to in 7-16-4203, contains the qualifications for the mayor and not those for the city manager.

Section 33. 7-16-4228. "Treasurer" is changed to "treasur Warrants are drawn on the treasury, not the treasurer.

MINUTES OF THE MEETING
LOCAL GOVERNMENT COMMITTEE
MONTANA STATE SENATE

February 7, 1979

The meeting of the Local Government Committee was called to order by Chairman, George McCallum on February 7, 1979 at 7:00 p.m. in Room 405 of the State Capitol Building.

ROLL CALL: All members were present.

Dennis Taylor, Staff Researcher, was also present.

A very few visitors were in attendance, but did not testify. (See attachment.)

Larry Weinburger, Staff Attorney, lead the discussion on the Code Commissioner Bills as he is the one who worked on the bills. Mr. Weinburger stated that much of the legislation concerning these bills dates back to the 1880's and some of the language needed to be changed to fit the more recent legislation. Land holder and freeholder requirements have been stricken down by the codes. Mr. Weinburger stated that in reviewing the codes he decided on some things because he felt they would stand up better in court, if ever put to the test.

CONSIDERATION OF SENATE BILL 334: Senator Jesse O'Hara, of Senate District 18, is sponsor of Senate Bill 334. This bill is an act to amend local government laws relating to rural fire districts, hospital districts, and cemetery districts to delete taxpayer and freeholder requirements to vote in certain elections and to hold certain offices. Senate Bill 334 is designed to bring to the legislature's attention several problems related to taxpayer and freeholder requirements concerning certain activities related to fire districts, hospital districts and cemetery districts. Supreme court decisions by the Montana and United States Supreme Courts have called into question the constitutional validity of taxpayer and/or freeholder requirements for voting and holding office in areas which are of a general governmental nature.

CONSIDERATION OF SENATE BILL 336: Senator Pete Story, of Senate District 37, is the sponsor of the bill. This bill is an act to generally revise and clarify the local government laws relating to general provisions and to the creation, alteration, and abandonment of local governments. For the most part, this bill only had a few small things that needed to be changed.

CONSIDERATION OF SENATE BILL 333: Senator Robert D. Watt, OF Senate District 49, is the sponsor of this bill. Senate Bill 333 is an act to generally revise and clarify the local government laws relating to alternative forms of local government.

proceedings and bond issues by requiring review of only general obligation bonds by the attorney general. Present law provides for the review of local government bond proceedings by the attorney general. The attorney general's review and subsequent approval, if given, enhances the marketability of the bond. It is the position of the attorney general's office and it has been the practice to review only general obligation bonds, which pledge the credit of the taxing jurisdiction. Consequently, the proposed amendments in this bill change references to "bond" to "general obligation bond".

CONSIDERATION OF SENATE BILL 350: Senator George McCallum, of Senate District 12, is the sponsor of Senate Bill 350. This bill is an act to clarify the local government laws relating to the administration and investment of money in sinking funds for local government general obligation bonds. This bill rewrites the provisions of law relating to investment of money in local government sinking funds for general obligation bonds for clarity and to achieve consistency. The investment options listed in 7-7-123 are retained as more recent and more flexible options listed in 7-7-2271 and 7-7-4271 are removed by repealing those two sections. Several other sections are amended to indicate the order in which certain financial actions with sinking fund money can be taken.

CONSIDERATION OF SENATE BILL 306: Senator George McCallum, of Senate District 12, is the sponsor of Senate Bill 306. This bill is an act to clarify certain percentage limits on local government indebtedness. This bill changes various percentage limits on local government indebtedness to reflect the changes that were made last session in House Bill 70, which generally revised the property tax system. Dennis Taylor was instructed by the Committee to check into the percentage on page 3, line 24, to see what was really meant.

CONSIDERATION OF SENATE BILL 337: Senator Max Conover, of Senate District 36, is the sponsor of Senate Bill 337. This bill is an act to generally revise and clarify the local government laws relating to improvement districts and utility services. The changes are of the usual type, that which corrects eroneous internal references, rewriting for clarity and deleting absolute terminology. Two changes to be considered are to eliminate freeholder requirements to hold the office of trustee of a refuse disposal district.

CONSIDERATION OF SENATE BILL 340: Senator Bill Thomas, of Senate District 21, is the sponsor of Senate Bill 340. This bill is an act to generally revise and clarify the local government laws relating to transportation; to housing and construction; and to culture, social services, and recreation. Section 13 of the introduced bill has been struck in its entirety. Taxpayer

and freeholder requirements are deleted on various elections concerning financing of local government services.

CONSIDERATION OF SENATE BILL 314: Senator Max Conover, of Senate District 36, is the sponsor of Senate Bill 314. This bill is an act to generally revise and clarify the local government laws relating to business, agriculture, and livestock regulation and to week and pest control. In Sections 8 and 11, participation in certain activities is extended to residents and the public. The Committee felt that weed boards deal with a problem that principally burdens the landowner and that the term "landowner", therefore, should be left in the bill.

CONSIDERATION OF SENATE BILL 338: Senator Bob Peterson, of Senate District 42, is the sponsor of Senate Bill 338. This bill is an act to generally revise and clarify the local government laws relating to general emergency and protective services, to law enforcement, to fire protection, and to cemetery services. The term "8th class counties" was eliminated. There are no longer any 8th class counties.

DISPOSITION OF SENATE BILL 307: A motion was made by Senator Thomas that Senate Bill 307 receive a "DO PASS" recommendation from the Committee. Motion carried.

DISPOSTION OF SENATE BILL 332: A motion was made by Senator Watt that Senate Bill 332 receive a "DO PASS" recommendation from the Committee. Motion carried.

DISPOSITION OF SENATE BILL 339: A motion was made by Senator Rasmussen that Senate Bill 339 be given a "DO PASS" recommendation from the Committee. Motion carried.

DISPOSITION OF SENATE BILL 310: A motion was made by Senator Watt that Senate Bill 310 be given a "DO PASS" recommendation from the Committee. Motion carried.

DISPOSITION OF SENATE BILL 305: A motion was made by Senator Watt that Senate Bill 305 receive a "DO PASS" recommendation from the Committee. Motion carried.

DISPOSITION OF SENATE BILL 335: A motion was made by Senator Peterson that Senate Bill 335 be given a "DO PASS" recommendation from the Committee. Motion carried.

DISPOSITION OF SENATE BILL 308: A motion was made by Senator Rasmussen that Senate Bill 308 receive a "DO PASS" recommendation from the Committee. Motion carried.

DISPOSITION OF SENATE BILL 334: A motion was made by Senator Watt that Senate Bill 334 be given a "DO PASS" recommendation from the Committee. Motion carried.

Date Feb 7

ROLL CALL

LOCAL GOVERNMENT COMMITTEE

46th LEGISLATIVE SESSION - 1979

NAME	PRESENT	ABSENT	EXCUSED
GEORGE MCCALLUM, CHAIRMAN	✓		
LLOYD LOCKREN, VICE CHAIRMAN	✓		
MAX CONOVER	✓		
JESSE A. O'HARA	✓		
BOB PETERSON	✓		
A. T. (TOM) RASMUSSEN	✓		
PETE STORY	✓		
BILL THOMAS	✓		
ROBERT D. WATT	✓		

Each Day Attach to Minutes.

SENATE

With no further proponents, Chairman McCallum called on the opponents.

Mr. R. Dean Zinnecher, representing the Montana Association of Counties, stated that he is confused by this bill and that it needs to be clarified, as some of the language is foggy.

Dan Mizner, representing the Montana League of Cities and Towns, stated that he had signed in as an opponent, however he is in favor of the amendment which would remove the city judges from the bill.

With no other further opponents, Senator McCallum called on Mr. Jensen to make the closing remarks. Mr. Jensen stated that he would hope that the Committee would give Senate Bill 256 a "DO PASS" recommendation.

Chairman McCallum then opened the meeting to a question and answer period from the Committee. Discussion was held, however, no action was taken at the time on Senate Bill 256.

DISPOSITION OF SENATE BILLS 306, 314, 337, 340, and 350: A motion was made by Senator Lockrem that Senate Bills 306, 337, and 350 receive "DO PASS" recommendations from the Committee. Motion carried.

A motion was made by Senator Lockrem that Senate Bills 314 and 340 receive "DO PASS, as amended" recommendations from the Committee. Motion carried.

DISPOSITION OF SENATE BILL 47: This bill is in regard to building codes in the state.

Senator McCallum stated that statewide building codes were adopted two years ago by the Legislature. However, the state does not have enough building inspectors.

Senator Lockrem informed the Committee that this bill would take away double inspection in the state and remove one layer of bureaucracy.

Senator Story stated he objects to the expense to the people building the buildings.

A motion was made by Senator Lockrem that Mike Young's proposed amendment on page 8, line 4, be accepted. Motion carried.

STANDING COMMITTEE REPORT

February 10 19 73

MR. President:

We, your committee on Local Government

having had under consideration Senate Bill No. 340

Respectfully report as follows: That Senate Bill No. 340,

introduced bill be amended as follows:

1. Page 10, line 13.
Following: line 12
Strike Lines 13 through 25 in their entirety.
Renumber: subsequent sections.

And, as so amended,

DO PASS

George McCallum Chairman.

STATE PUB. CO.
Helena, Mont.

MARCH 6, 1979
PROCEEDINGS OF THE
HOUSE OF REPRESENTATIVES
LOCAL GOVERNMENT COMMITTEE

The meeting was called to order at 12:30 p.m. by Chairman Hershel Robbins. The secretary called roll and found a majority of members present. Those absent were Representatives Sales, Gould, South, Kessler and Moore.

Chairman Robbins then announced that the committee would hear 16 bills at this meeting. These were considered as recodification bills. He then stated that they would be introduced by Larry Wineberg. However, a member of the committee would have to introduce each bill and carry them on the House floor. The Senators sponsoring the bills had not been asked to be present.

Chairman Robbins then introduced Larry Wineberg. Mr. Wineberg stated the bills had been worked on for several years and at least six months work had gone into the recodification. He stated except for the first bill they go through title VII in the code. In general there were some word changes, such as "treasurer" to "treasury" in eighth class counties. There were also some changes on recall petitions, and he explained many of the laws date back to 1895 and 1900, and commissioners were having problems with enforcement of some of these old laws.

SENATE BILL 334: Senate Bill 334 was introduced by Representative Orren Vinger, District 3. He then called on Larry Wineberg to explain the bill. Mr. Wineberg explained that this law would delete the freeholder requirements for district elections, petitions, and various areas that had required freeholders voting in elections due to the Supreme Court decisions. He stated this would also apply to GO bonds and revenue bonds. He stated that there was one area where this would not apply; this would be irrigation districts because these are charged on the amount of land a person owns and because of this charge, irrigation districts would remain that only landowners could vote in the election. He then further explained regarding page 1, section 3, relating to hospital districts. He explained that in hospital districts the services were available to everyone not just property owners. This was the reason for deletion of the freeholder requirement. It was also explained that there couldn't be freeholder elections in a cemetery district.

Senator Story then stated he would introduce all of the remaining bills, as a representative of the Senate Local Government Committee. The House Local Government Committee could then hear the bills as time permitted. A list of the bills is as follows, as were introduced by Senator Story:

Senate Bill 334 (continued)

Senate Bill 334, sponsored by Senator O'Hara, deleting freeholder requirements in fire, hospital and cemetery districts:

Senate Biil 336, introduced by Senator Story, creating alternate forms of government:

Senate Bill 333, introduced by Senator Watt, also relating to alternative forms of local government:

Senate Bill 308, introduced by Senator Rasmussen, relating to city-county consolidation:

Senate Bill 335, introduced by Senator Lockrem, dealing with local government officers:

Senate Bill 305, introduced by Senator Watt, regarding conduct of business of local officers:

Senate Bill 310, introduced by Senator Story, regarding sovereign immunity of local governments:

Senate Bill 339, introduced by Senator Rasmussen, relating to financial administration and taxation in local governments:

Senate Bill 332, introduced by Senator Watt, dealing with debt managament of local governments:

Senate Bill 350, introduced by Senator McCallum, dealing with forms of GO bonds and sinking funds:

Senate Bill 306, introduced by Senator McCallum, relating to percentage limits of indebtedness of local governments:

Senate Bill 307, introduced by Senator O'Hara, dealing with GO bond review:

Senate Bill 337, introduced by Senator Conover, regarding improvement districts:

Senate Bill 340, introduced by Senator Thomas, regarding transportation, construction, culture and social services departments of local governments:

Senate Bill 314, introduced by Senator Conover, relating to business, agriculture, livestock, weed and pest control districts:

Senate Bill 338, introduced by Senator Peterson, relating to emergency law enforcememt and fire districts.

SENATE BILL 307: Mr. Wineberg explained this deals with the Attorney General's office reviewing bonds and issues of local governments. There were no questions by committee members. Hearing was then closed on Senate Bill 307.

SENATE BILL 337: Mr. Wineberg explained this bill deals with improvement districts and utility services. He stated there basically were no major changes. It did include the freeholder requirements and that change. There were no questions by committee members. Hearing was then closed on Senate Bill 337.

SENATE BILL 340: Larry Wineberg pointed out this bill had been amended by the Senate, page 10, section 13. He stated they had amended parking and parkway. These two words had been eliminated. This appeared to be the only change and hearing was then closed.

SENATE BILL 314: Mr. Wineberg stated this deals with the County Weed Board. It deals with land and agricultural landowners. He stated this would change to residents and would include freeholders. Mr. Wineberg further explained the Senate felt the Weed Board Commission was an agricultural district and should remain with the property owners. There were no questions from committee members and hearing was closed on Senate Bill 314.

SENATE BILL 338: Mr. Wineberg stated the committee should be aware of certain sections, pages 8 and 9, 20 and 40, 18 and 35. He stated this deals with certain exceptions and applications for law enforcement. There were no questions by committee members and hearing was closed on Senate Bill 338.

Chairman Robbins then announced that one bill had been referred to Taxation and inquired if the committee wished to take executive action on the remainder. They stated they did't.

Representative Bertelsen moved that Senate Bill 334 be concurred in. All voted "aye" except Representative Sales. Motion carried.

Representative Gould moved that Senate Bill 336 be concurred in. All voted "aye." Motion carried.

SENATE BILL 333: Representative Kemmis moved Senate Bill 333 be concurred in. All voted "aye." Motion carried.

Representative Waldron then moved that Senate Bill 333 be placed on the consent calendar. Vote was called. Motion did not pass. Senate Bill 333 was not able to be placed on the consent calendar.

SENATE BILL 335: Representative Oberg suggested an amendment to this bill. Representative Oberg moved that the language be reinserted on page 17, lines 2 through 8. Vote was called on the amendment. All voted "aye." Representative Oberg then moved that Senate Bill 335 then be concurred in as amended. Vote was called. All voted "aye."

SENATE BILL 305: Representative Bertelsen moved that Senate Bill 305 be concurred in. Vote was called. All voted "aye." Representative Waldron requested the committee reconsider and amend the bill prior to passage. Representative Waldron then moved to amend Senate Bill 305 as amendments had been submitted for the title, line 9, section 16-1008; also on page 10, line 8, following this section insert "16-1008." Strike that section and insert it there. Vote was then called on the amendment. All voted "aye" and the motion carried. Representative Waldron then moved that Senate Bill 305 be concurred in as amended. Vote was called. All voted "aye." Motion carried.

SENATE BILL 310: Representative Vinger moved that Senate Bill 310 be concurred in. Vote was called. All voted "aye" except Representative Sales. Motion passed.

SENATE BILL 339: Representative Reichert moved that Senate Bill 339 be concurred in. Question was called. All voted "aye" except Representative Moore. Motion carried. Senate Bill 339 was concurred in.

SENATE BILL 332: Representative Gould moved that Senate Bill 332 be concurred in. All voted "aye" and the motion carried.

SENATE BILL 350: Representative Oberg moved Senate Bill 350 be concurred in. All voted "aye" and motion carried.

SENATE BILL 306: It was noted this bill had been referred to House Taxation.

SENATE BILL 307: Representative Oberg moved Senate Bill 307 be concurred in. Question was called and all voted "aye" and the motion carried.

SENATE BILL 337: Representative McBride moved that Senate Bill 337 be concurred in. Vote was called. All voted "aye" and motion carried.

SENATE BILL 340: Representative Kessler moved that Senate Bill 340 be concurred in. All voted "aye" and motion carried.

SENATE BILL NO. 340

INTRODUCED BY THOMAS

BY REQUEST OF THE CODE COMMISSIONER

A BILL FOR AN ACT ENTITLED: "AN ACT TO GENERALLY REVISE AND CLARIFY THE LOCAL GOVERNMENT LAWS RELATING TO TRANSPORTATION; TO HOUSING AND CONSTRUCTION; AND TO CULTURE, SOCIAL SERVICES, AND RECREATION."

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:

Section 1. Section 7-14-2307, MCA, is amended to read:

"7-14-2307. Payment of claims upon presentation of superintendent's certificate. Upon the presentation of any certificate issued by the superintendent and verification of it by the holder as in other cases of claims against the county, the board of county commissioners shall ~~cause to be issued~~ have a warrant issued for the amount of the certificate, drawn on the ~~treasurer~~ treasury against the county road fund."

Section 2. Section 7-14-2308, MCA, is amended to read:

"7-14-2308. Superintendent's report. At least once each year and more often if required by the board of county commissioners, the superintendent shall file a report with the board detailing the activities and expenditures of his office and containing any other information the board requires. At the first monthly or quarterly meeting held after filing of the a superintendent's report, the board of county commissioners shall examine it."

Section 3. Section 7-14-2511, MCA, is amended to read:

"7-14-2511. Creation of county motor vehicle fund. ~~All license and registration fees~~ When collected by the treasurer of the county in which any a motor vehicle is registered, all license and registration fees for which there is no specific provision as to disposition of the fee shall be credited to the county motor vehicle fund."

Section 4. Section 7-14-2702, MCA, is amended to read:

"7-14-2702. Petition for opening or improving road. (1) A petition for laying out, opening, constructing, or improving a county road may be presented to the board by the owners of two-thirds of the lineal feet of land fronting on the proposed or existing road or by two-thirds of the residents of the proposed district. If any such land stands is in the name of a deceased person or any a person for whom a guardian has been appointed, the signature of the executor, administrator, or guardian ~~shall be~~ is equivalent to the signature of the owner.

(2) The petition must set forth:

(a) that the petitioners are ~~such owners~~ qualified to sign the petition and that they desire the petitioned action;

REFERENCE BILL

(b) the kind and nature of the improvement desired;

(c) the mode of payment of the assessments to be levied for defraying the cost thereof, whether immediate payment or by payment in installments;

(d) the portion of the costs which the district, if formed, will assume and pay."

Section 5. Section 7-14-2705, MCA, is amended to read:

"7-14-2705. Meeting between county road superintendent, ~~and~~ residents, and owners of land. (1) After receipt of the petition and passage of the resolution, the board shall make an order fixing a time and place in the vicinity of the road for a meeting between the county road superintendent or his deputy, ~~and the petitioners and~~ all owners upon whose lands special assessments will be levied, and all residents within the proposed district.

(2) ~~The petitioners and all~~ All owners of land fronting on the road or land within 2 miles on either side of it upon which special assessments will be levied and all residents within the proposed district may meet with the superintendent or his duly appointed deputy."

Section 6. Section 7-14-2707, MCA, is amended to read:

"7-14-2707. Meeting procedure -- election of committee of supervisors. (1) The superintendent or his deputy, or in their absence one of the landowners or residents present, shall preside. Those present shall elect three as a

committee of supervisors; at least one of them shall be a petitioner.

(2) A majority of the owners and residents present and voting shall be sufficient for election. The presiding officer shall certify to the board the names of the owners elected to the committee.

(3) Those elected shall qualify immediately by taking an oath that they are owners of land benefited by the improvements and to be included within the local ~~assessment~~ improvement district or residents within the proposed district. They shall take an oath that they will fully, impartially, and faithfully perform their duties as supervisors. The superintendent or his deputy may administer the oath, or it may be administered by anyone so authorized by law."

Section 7. Section 7-14-2711, MCA, is amended to read:

"7-14-2711. Division of local improvement district into parts. (1) The boundaries of ~~each local assessment district shall be fixed~~ districts within a local improvement district are as follows:

(a) The lands extending from the center of the road one-half mile on each side thereof (measuring 1 mile in width) ~~shall~~ constitute Part One of the district.

(b) The lands embraced within an area 1 mile wide on each side of Part One ~~shall~~ constitute Part Two of the

district.

(c) The lands embraced within an area 1 mile wide on either side of Part Two ~~shall~~ constitute Part Three of the district.

(2) Each of the parts ~~shall extend~~ extends the full length of the proposed road and 1 mile beyond the terminus unless the committee ~~shall~~ otherwise ~~provide~~ provides."

Section 8. Section 7-14-2821, MCA, is amended to read:

"7-14-2821. Permission to operate ferry between counties. (1) When authority to erect and keep a ferry over waters dividing two counties is desired, application must be made to the board of commissioners of ~~that~~ the county situated on the left bank descending ~~such~~ the river, creek, or slough.

(2) The board may not grant authority to erect a toll ferry until the notice of the intended application ~~has--been~~ is given as required in 7-14-2822.

(3) After notice is given, an application must be made in writing, under oath, to the board of the proper county. ~~The landings of the proposed ferry must be described and the names of the owners thereof given, if known, and if the applicant is not the owner of the land, that notice of the application has been served on the owner thereof at least 10 days prior to the application.~~ The applications must contain a description of the proposed ferry landings; the names of

the owners, if known, of the proposed landings; and a statement that notice of the application has been served at least 10 days prior to the date of application on those landowners who are not parties to the application."

Section 9. Section 7-14-2824, MCA, is amended to read:

"7-14-2824. Preference for landowner. The owner of the land on either bank of the waters to be crossed, and with the owner of the land on the left bank descending, given preference over the owner of the land on the right bank, is entitled to preference in procuring authority to construct a ferry. ~~Where such owner fails or neglects to~~ Whenever the owners of the banks do not apply for such authority within a reasonable time after the necessity therefor arises, the board of commissioners may grant such authority to another."

Section 10. Section 7-14-4109, MCA, is amended to read:

"7-14-4109. Power to order certain improvements without creation of special improvement district. (1) Without the formation of a special improvement district, the city council may order sidewalks, curbs, and or gutters ~~or any combination thereof~~ constructed in front of any lot or parcel of land and may order alley approaches constructed or replaced adjacent to any lot or parcel of land.

(2) Whenever the council ~~shall order~~ orders any such sidewalk, curb, and or gutter ~~or any combination thereof~~

constructed or any such alley approach constructed or replaced, ~~such~~ the order shall be entered upon the minutes of the council and shall name the street along which ~~said~~ the sidewalk, curb, and or gutter ~~or any combination thereof~~ is to be constructed or along which ~~said~~ the alley approach is to be constructed or replaced.

(3) After the making of such order, written notice thereof shall be given the owner or agent of the owner of such property or the owners or agents of all adjacent owners having access to their properties by ~~said~~ the alley approach, as appropriate, in such manner as the council may direct.

(4) If the owner or agent of the owner of such lot or parcel of land or if the owners or agents of all adjacent owners having access to their property by ~~said~~ the alley approach ~~shall~~ fail or neglect for a period of 30 days after the date of service of ~~such~~ the notice to cause such sidewalk, curb, and or gutter ~~or any combination thereof~~ to be constructed or to cause such alley approaches to be constructed or replaced, the city may construct or cause ~~such~~ the sidewalk, curb, and or gutter ~~or any combination thereof~~ to be constructed or may construct or cause ~~such~~ the alley approach to be constructed and shall assess the cost thereof, including engineering costs and the costs enumerated in 7-12-4121 and 7-12-4169, against the property

in front of which the same is constructed or against the lots or parcels of land having access ~~to said property~~ via the ~~said~~ the constructed alley approaches. The collection of the assessed costs shall be as provided in 7-12-4181 through 7-12-4191.

(5) (a) When any ~~such~~ sidewalk, curb, and or gutter ~~or any combination thereof~~ or alley approach is constructed by or under direction of the city council, payment for the construction thereof shall be made by special warrants in such form as may be prescribed by ordinance and drawn against a fund to be known as the special sidewalk, curb, and gutter fund or the special alley approach fund, as appropriate, and the council may provide for the payment of ~~said~~ interest annually.

(b) The warrants drawn on the special alley approach fund shall bear interest at the a rate of up to 6% a year."

Section 11. Section 7-14-4302, MCA, is amended to read:

"7-14-4302. Regulation of lighting for railway right-of-way -- crossings. (1) The city or town council has ~~power to~~ may require the lighting of any railroad track or route within a city or town, the cars of which are propelled by ~~steam~~ steam or otherwise, and fix and determine the number, style, and size of lampposts, burners, lamps, and all other fixtures and apparatus necessary for such lighting

and the points of location of the lampposts.

(2) The city or town council ~~has power to~~ may:

(a) require the construction of crossings on the line of any railroad track or route within the city or town, the cars of which are propelled by ~~steam~~ steam or otherwise, where the track intersects or crosses any street, alley, or public highway or runs along the same; and

(b) fix and determine the size, ~~and~~ kind, and grade of ~~such~~ the crossing ~~and the grades thereof~~.

(3) In case the owner of such railroad fails to comply with ~~such~~ the requirements, the council may cause the same to be done. The council may assess the expense thereof against ~~such~~ the owner, and the ~~same~~ expense constitutes a lien on any property belonging to ~~such~~ the owner within ~~such~~ the city or town and may be collected as other taxes."

Section 12. Section 7-14-4404, MCA, is amended to read:

"7-14-4404. Tax levy for contracts to operate bus service. For the purpose of raising the necessary money to defray the cost of the transportation service authorized by 7-14-4401(2) pursuant to such contract ~~or contracts~~, lease, or lease and operating agreement with such independent carrier or carriers, the city or town council ~~shall have~~ power to may annually levy a tax on the taxable value of all taxable property within the limits of ~~such~~ the city or town.

Whenever the council of ~~such~~ the city or town ~~shall deem~~ considers it necessary to raise money by taxation for such purpose in excess of the levy now allowed by law, the council of ~~such~~ the city or town shall in the manner prescribed by law submit the question of such additional levy to the ~~legal voters~~ qualified electors of ~~such~~ the city or town ~~who are taxpaying freeholders therein~~, either at the regular annual election held in ~~said~~ the city or town or at a special election called for that purpose by the council of ~~such~~ the city or town. ~~Such~~ The additional levy in excess of the levy now allowed by law ~~shall~~ may not exceed 1 1/2 mills."

~~Section 13. Section 7-14-4711, MCA, is amended to read:~~

~~"7-14-4711. Authorization for improvement districts for pedestrian malls, offstreet parking, parkings, and parkways. (1) An improvement district may be formed for the sole purpose of operating, maintaining, repairing, and improving pedestrian malls, offstreet parking facilities, and parkings and parkways.~~

~~(2) Subject to the powers granted and the limitations contained in this part, the powers and duties of the municipality and the procedure to be followed are as provided in parts 41 through 44 of chapter 12 for other types of special improvement districts."~~

Section 13. Section 7-14-4716, MCA, is amended to read:

"7-14-4716. Procedure to issue bonds. (1) When the governing body determines that improvement bonds ~~are to~~ be issued, it shall so declare in the resolution of intention for the work and shall specify the rate of interest which ~~they shall~~ the bonds will bear. A ~~like~~ description of the bonds, including the manner of repayment, shall be inserted in all notices of the proceedings required to be published or posted, ~~and a notice that the bonds will be paid from a special fund collected in not to exceed 25 annual installments, from the assessments of $25 or over remaining unpaid 30 days after the date of the warrant or 5 days after the decision of the governing body upon an objection.~~ A like description of the bonds shall be included in the warrant.

(2) All other proceedings for the work up to and including the approval of the assessment by the governing body and including delivery of the assessment to the contractor, demand of payment of the several assessments, and the return and record thereof shall be in all respects as provided in this part and parts 41 and 42 of chapter 12."

Section 14. Section 7-14-4734, MCA, is amended to read:

"7-14-4734. Expense estimate -- assessments and tax levy. (1) The governing body shall:

(a) make annual statements and estimates of the expenses of the district which shall be provided for by the levy and collection of ad valorem taxes upon the assessed value of all the real and personal property in the district;

(b) publish notice thereof; and

(c) have hearings thereon and adopt an ordinance thereon at the times and in the manner provided for incorporated cities and towns by the applicable portions of 7-12-4175.

(2) The governing body, on or before the second Monday in August of each year, shall fix, levy, and assess the amount to be raised by ad valorem taxes upon all of the property of the district. All statutes providing for the levy and collection of state and county taxes, including the collection of delinquent taxes and sale of property for nonpayment of taxes, are applicable to the district taxes provided for under this section.

(3) No assessment for district purposes against the property within such district ~~shall~~ may exceed 12 mills upon each dollar of taxable valuation thereof in any tax year."

Section 15. Section 7-15-2114, MCA, is amended to read:

"7-15-2114. Certain laws controlling. Insofar as the provisions of ~~Chapter 153, Laws of 1941,~~ this part are inconsistent with the provisions of any other law, the

provisions of ~~Chapter 153, Laws of 1941, shall be~~ this part are controlling."

Section 16. Section 7-15-4207, MCA, is amended to read:

"7-15-4207. Prohibition against discrimination. For all of the purposes of this part and part 43, no person may be subjected to discrimination because of sex, race, ~~religion~~, creed, religion, age, physical or mental handicap, color, or national origin."

Section 17. Section 7-15-4238, MCA, is amended to read:

"7-15-4238. Employment of necessary staff. The urban renewal agency or department or officers exercising urban renewal project powers shall be ~~staffed~~ supplied with the necessary technical experts and such other agents and employees, permanent and temporary, as ~~it--may--require~~ are required."

Section 18. Section 7-15-4302, MCA, is amended to read:

"7-15-4302. Authorization to issue general obligation bonds. (1) For the purpose of 7-15-4267 or for the purpose of aiding in the planning, undertaking, or carrying out of an urban renewal project of a municipality, ~~such~~ the municipality, in addition to any authority to issue bonds pursuant to 7-15-4301, may issue and sell its general

obligation bonds.

(2) Any bonds issued pursuant to this section shall be issued in the manner and within the limitations prescribed by the laws of this state for the issuance and authorization of bonds by such municipality for public purposes generally.

(3) Aiding in the planning, undertaking, or carrying out of an approved urban renewal project ~~shall be deemed~~ is considered a single purpose for the issuance of general obligation bonds, and the proceeds of ~~such~~ the bonds authorized for any such project may be used to finance the exercise of any and all powers conferred upon the municipality by this part and part 42 which are necessary or proper to complete ~~such~~ the project in accordance with the approved plan and any modification thereof duly adopted by the local governing body.

~~(4)--Sections 7-7-4221(3) and 7-7-4223 through 7-7-4225 shall not be applicable to the issuance of such bonds.~~"

Section 19. Section 7-15-4322, MCA, is amended to read:

"7-15-4322. Details relating to urban renewal bonds. (1) Bonds issued under 7-15-4301 may be issued in one or more series and shall bear such date or dates, be payable upon demand or mature at such time or times, bear interest at such rate or rates not exceeding 9% a year, be in such denomination or denominations, be in such form (either

coupon or registered), carry such conversion or registration privileges, have such rank or priority, be executed in such manner, be payable in such medium of payment at such place or places, be subject to such terms of redemption (with or without premium), be secured in such manner, and have such other characteristics as may be provided by the resolution, ordinance, or trust indenture or mortgage authorized pursuant thereto.

(2) (a) ~~Except as provided in subsection (2)(b), such~~ The bonds may be sold at not less than 98% of par at public or private sale or may be exchanged for other bonds on the basis of par.

(b) ~~Such~~ The bonds may be sold to the federal government at private sale at not less than par, and ~~in the~~ event if less than all of the authorized principal amount of ~~such~~ the bonds is sold to the federal government, the balance may be sold at public or private sale at not less than 99% of par at an interest cost to the municipality of not to exceed the interest cost to the municipality of the portion of the bonds sold to the federal government."

Section 20. Section 7-15-4402, MCA, is amended to read:

"7-15-4402. Definitions. ~~The following terms, wherever used or referred to~~ As used in this part or part 45, ~~shall have the following respective meanings~~ unless ~~a different~~

~~meaning clearly appears from~~ the context clearly indicates otherwise, the following definitions apply:

(1) "Authority" or "housing authority" ~~shall mean~~ means a public body and a body corporate and politic organized in accordance with the provisions of this part for the purposes, with the powers, and subject to the restrictions hereinafter set forth.

(2) "Bonds" ~~shall mean~~ means any bonds, interim certificates, notes, debentures, or other obligations of the authority issued pursuant to this part or part 45.

(3) "City" ~~shall mean~~ means any city which is or is about to be included in the territorial boundaries of an authority ~~when created hereunder~~.

(4) "City clerk" and "mayor" ~~shall~~ mean the clerk and mayor, respectively, of the city or the officers thereof charged with the duties customarily imposed on the clerk and mayor ~~respectively~~.

(5) "Commissioner" ~~shall mean~~ means one of the members of an authority appointed in accordance with the provisions of this part.

(6) "Community facilities" ~~shall include~~ means real and personal property and buildings and equipment for recreational or social assemblies and for educational, health, or welfare purposes and necessary utilities, when designed primarily for the benefit and use of the housing

authority and/or the occupants of the dwelling accommodations.

(7) "Contract" ~~shall mean~~ means any agreement of an authority with or for the benefit of an obligee, whether contained in a resolution, trust indenture, mortgage, lease, bond, or other instrument.

(8) "Council" ~~shall mean~~ means the legislative body, council, board of commissioners, board of trustees, or other body charged with governing ~~the~~ a city.

(9) "Elderly families" ~~shall mean~~ means families the head of which (or his spouse) is 60 years of age or over and who otherwise qualify as persons of low income within the meaning of the definition set forth in subsection (16).

(10) "Federal government" ~~shall include~~ means the United States ~~of America, the federal emergency administration of public works~~, or any agency or instrumentality, corporate or otherwise, of the United States ~~of America~~.

(11) "Government" ~~shall include~~ means the state and federal governments and any subdivision, agency, or instrumentality, corporate or otherwise, of either ~~of them~~.

(12) (a) "Housing project" ~~shall include~~ means all real and personal property, buildings and improvements, stores, offices, lands for farming and gardening, and community facilities acquired or constructed or to be acquired or

constructed pursuant to a single plan or undertaking:

(i) to demolish, clear, remove, alter, or repair unsanitary or unsafe housing; and/or

(ii) to provide safe and sanitary dwelling accommodations for persons of low income.

(b) The term "housing project" may also be applied to the planning of the buildings and improvements, the acquisition of property; the demolition of existing structures; the construction, reconstruction, alteration, and repair of the improvements; and all other work in connection therewith.

(13) "Mortgage" ~~shall include~~ means deeds of trust, mortgages, building and loan contracts, or other instruments conveying real or personal property as security for bonds and conferring a right to foreclose and cause a sale thereof.

(14) "Municipality" ~~shall mean~~ means any city, town, or incorporated village which is located within the territorial boundaries of an authority.

(15) "Obligee of the authority" or "obligee" ~~shall include~~ means any bondholder, trustee or ~~trustees~~ for any bondholder, any lessor demising property to the authority used in connection with a housing project or any assignee or assignees of such lessor's interest or any part thereof, and the United States ~~of America~~ when it is a party to any

contract with the authority.

(16) "Persons of low income" ~~shall mean~~ means persons or families who lack the amount of income which is necessary (as determined by the authority undertaking the housing project) to enable them, without financial assistance, to live in decent, safe, and sanitary dwellings without overcrowding.

(17) "Real property" ~~shall include~~ means lands, lands under water, structures, and any and all easements, franchises, and incorporeal hereditaments and every estate and right therein, legal and equitable, including terms for years and liens by way of judgment, mortgage, or otherwise.

(18) "State" ~~shall mean~~ means the state of Montana.

(19) "Trust indenture" ~~shall include~~ means instruments pledging the revenues of real or personal properties but not conveying such properties or conferring a right to foreclose and cause a sale thereof."

Section 21. Section 7-15-4417, MCA, is amended to read:

"7-15-4417. Initial funding of housing authority. Immediately after the incorporation of the a housing authority, the council or other governing body of ~~the~~ a first- or second-class city included within the territorial boundaries of ~~such~~ the authority:

(1) shall make an estimate of the amount of money

necessary for the administrative expenses and overhead of the housing authority during the first year following the incorporation of ~~such~~ the housing authority;

(2) shall appropriate such amount to the authority out of any money in the city treasury not appropriated to some other purpose; and

(3) shall cause the money so appropriated to be paid the authority as a donation."

Section 22. Section 7-15-4418, MCA, is amended to read:

"7-15-4418. Interim funding of housing authority. In addition to the power granted in 7-15-4417, ~~the city and~~ any municipality located in whole or in part within the boundaries of a housing authority ~~shall have the power~~ may, annually and from time to time, ~~to~~ make donations or advances to the authority of such sums as the ~~city or~~ municipality in its discretion may determine."

Section 23. Section 7-15-4419, MCA, is amended to read:

"7-15-4419. Authority to reimburse municipality for loans. The authority, when it has money available therefor, shall reimburse ~~the city or~~ a municipality for all advances made to it by way of loan."

Section 24. Section 7-15-4528, MCA, is amended to read:

"7-15-4528. Use of bond trustee. In connection with the issuance of bonds and/or the incurring of any obligation under a lease and in order to secure the payment of ~~such~~ the bonds and/or obligations, the authority ~~shall have power to~~ may:

(1) vest in a trustee ~~or trustees~~ the right to enforce any covenant made to secure ~~to pay or in relation to the bonds~~ the payment of the bonds and/or obligations;

(2) to provide for the powers and duties of ~~such~~ the trustee ~~or trustees~~ and limit his liabilities; ~~thereof~~ and

(3) to provide the terms and conditions upon which the trustee ~~or trustees~~ or a designated proportion of the holders of bonds ~~or any proportion of them~~ may enforce any ~~such~~ covenant."

Section 25. Section 7-16-2324, MCA, is amended to read:

"7-16-2324. Sale, lease, or exchange of dedicated park lands. (1) For the purposes of this section and part 25 of chapter 8, lands dedicated to the public use for park or playground purposes under 76-3-606 and 76-3-607 or a similar statute or pursuant to any instrument not specifically conveying land to be a governmental unit other than a county are ~~deemed to be~~ considered county lands.

(2) A county may not sell, lease, or exchange lands

dedicated for park or playground purposes except as provided under this section and part 25 of chapter 8.

(3) Prior to selling, leasing, or exchanging any county land dedicated to public use for park or playground purposes, a county shall:

(a) compile an inventory of all public parks and playgrounds within the county;

(b) prepare a comprehensive plan for the provision of outdoor recreation and open space within the county;

(c) determine that the proposed sale, lease, or exchange furthers or is consistent with the county's outdoor recreation and open space comprehensive plan;

(d) publish notice of intention to sell, lease, or dispose of such lands, giving the people of the county opportunity to be heard regarding such action;

(e) if the land is within an incorporated city or town, secure the approval of the governing body thereof for the action; and

(f) comply with any other applicable requirements under part 25 of chapter 8.

(4) Any revenue realized by a county from the sale, exchange, or disposal of lands dedicated to public use for park or playground purposes shall be paid into the park fund and used in the manner prescribed in 76-3-606 and 76-3-607 for cash received in lieu of dedication."

Section 26. Section 7-16-2326, MCA, is amended to read:

"7-16-2326. Discrimination in employment prohibited. No contract of employment may be entered into except in compliance with ~~the--Equal--Opportunity--Act--of--1966--and executive--order--of--1966~~ federal and state statutes, orders, and rules providing that there may be no discrimination in ~~the employment--of--persons--because--of--race,--religion,--creed,--color,--or--national--origin.~~"

Section 27. Section 7-16-2331, MCA, is amended to read:

"7-16-2331. Disbursement of money. All money paid out by the park commissioners under the provisions of this part shall be by warrant drawn upon the county ~~treasurer~~ treasury, which may be signed by the secretary and countersigned by the president or, in his absence, by the vice-president of the board of park commissioners. Upon approval by a majority of the members of the board of park commissioners at a regular meeting of the board at which a quorum is in attendance and voting and with due notice and report being made to the board of county commissioners, payments so authorized may be made by warrant drawn upon the county ~~treasurer~~ treasury, signed by the chairman of the board of county commissioners and countersigned by the county clerk and recorder."

Section 28. Section 7-16-4104, MCA, is amended to read:

"7-16-4104. Authorization for municipal indebtedness for various cultural, social, and recreational purposes. (1) A city or town council or commission, ~~in--addition--to--the power--it--now--has--under--the--law,--has--and--is--hereby--granted and--given--the--further--power--to~~ may contract an indebtedness on behalf of a the city or town, upon the credit thereof, by borrowing money or issuing bonds:

(a) for the purpose of purchasing and improving lands for public parks and grounds; ~~and/or~~

(b) for procuring by purchase, construction, or otherwise swimming pools, athletic fields, skating rinks, playgrounds, museums, a golf course, a site and building for a civic center, a youth center, or combination thereof; and

(c) for furnishing and equipping the same.

(2) The total amount of indebtedness authorized to be contracted in any form, including the then-existing indebtedness, ~~must~~ may not at any time exceed 3% of the value of the taxable property of the city or town as ascertained by the last assessment for state and county taxes previous to the incurring of such indebtedness. No money ~~must~~ may be borrowed on bonds issued for the purchase of lands and improving the same for any such purpose until the proposition has been submitted to the vote of ~~those~~ the

qualified ~~under-the-provisions-of-the-state-constitution-to vote-at-such-election--in~~ electors of the city or town ~~affected--thereby~~ and a majority vote is cast in favor thereof.

~~(3)--Nothing-in-this-section-shall-be-so--construed--as to-repeal-or-annul-[former-11-981-through-11-988-or-any-part or-portion-thereof]~~."

Section 29. Section 7-16-4107, MCA, is amended to read:

"7-16-4107. Use of park funds for public recreation. (1) Any city or town, including any board of park commissioners, may expend funds from the band fund and the park fund of ~~said~~ the city or town ~~and-any-school-district or-board-thereof-may-cooperate~~ for the purpose of operating a program of public recreation and playgrounds~~;~~ and for this purpose may acquire, equip, and maintain land, buildings, and~~/~~or other recreation facilities.

(2) Any school district may cooperate in such programs."

Section 30. Section 7-16-4111, MCA, is amended to read:

"7-16-4111. Financing of public baths. To defray the cost and expense of maintaining the public bathing place authorized by 7-16-4110, ~~said~~ a city or town ~~is--hereby authorized--and--empowered--to~~ may contract an indebtedness

upon behalf of ~~said~~ the city or town and upon the credit thereof by borrowing money or issuing bonds. No money may be borrowed and no bonds may be issued ~~for-said-purpose~~ until the proposition has been submitted to the vote of the ~~taxpayers-affected-thereby~~ qualified electors of the city or town and a majority vote be is cast therefor."

Section 31. Section 7-16-4203, MCA, is amended to read:

"7-16-4203. Qualifications of park commissioners. The six persons to be so appointed shall have the same qualifications for the office of park commissioner as are required by 7-4-4301 for the office of ~~mayor--or-city manager~~."

Section 32. Section 7-16-4228, MCA, is amended to read:

"7-16-4228. Disbursement of money. All money paid out by the park commissioners under the provisions of this part shall be by warrant drawn upon the city ~~treasurer~~ treasury, which shall be signed by the city clerk and countersigned by the president or, in his absence, by the vice-president of the board of park commissioners."

-End-